

104TH CONGRESS
1ST SESSION

H. R. 968

To establish comprehensive early childhood education programs, early childhood education staff development programs, model Federal Government early childhood education programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 1995

Mrs. MINK of Hawaii (for herself, Mrs. COLLINS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. LOWEY, Ms. MCKINNEY, Mrs. MEEK of Florida, Ms. PELOSI, Ms. RIVERS, Ms. WATERS, Ms. WOOLSEY, and Ms. BROWN of Florida) introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

A BILL

To establish comprehensive early childhood education programs, early childhood education staff development programs, model Federal Government early childhood education programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Comprehensive Early Childhood Education Act of 1995”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short Title; Table of contents.
- Sec. 2. Findings.
- Sec. 3. Purpose.
- Sec. 4. Authorization of appropriations.
- Sec. 5. Allocation of funds.

TITLE I—COMPREHENSIVE EARLY CHILDHOOD EDUCATION PROGRAMS

- Sec. 101. Program authorized.
- Sec. 102. Prime sponsors of early childhood education programs.
- Sec. 103. Early childhood education councils.
- Sec. 104. Comprehensive early childhood education plans.
- Sec. 105. Project applications.
- Sec. 106. Special grants to States.
- Sec. 107. Additional conditions for programs including construction.
- Sec. 108. Use of public facilities for early childhood education programs.
- Sec. 109. Payments.

TITLE II—TRAINING, TECHNICAL ASSISTANCE, PLANNING, AND EVALUATION

- Sec. 201. Preservice and inservice training.
- Sec. 202. Technical assistance and planning.
- Sec. 203. Evaluation.
- Sec. 204. Federal standards for early childhood education.
- Sec. 205. Development of uniform minimum code for facilities.

TITLE III—MODEL FEDERAL GOVERNMENT CHILD DEVELOPMENT PROGRAMS

- Sec. 301. Program authorized.
- Sec. 302. Payments.

TITLE IV—RESEARCH AND DEMONSTRATIONS

- Sec. 401. Declaration of purposes.
- Sec. 402. Research and demonstration projects.
- Sec. 403. Coordination of research.

TITLE V—GENERAL PROVISIONS

- Sec. 501. Definitions.
- Sec. 502. Nutrition.
- Sec. 503. Special provisions.
- Sec. 504. Withholding grants.
- Sec. 505. Public information.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings—

- 3 (1) millions of children in the Nation are suffer-
- 4 ing unnecessary harm from the lack of adequate
- 5 early childhood education;

1 (2) comprehensive early childhood education
2 programs, including a full range of health and social
3 services, are essential to the achievement of the full
4 potential of the Nation's children and should be
5 available as a matter of right to all children whose
6 parents or legal guardians shall request them re-
7 gardless of economic, social, and family back-
8 grounds;

9 (3) children with special needs must receive full
10 consideration in planning any early childhood edu-
11 cation programs and, pending the availability of
12 such programs for all children, priority must be
13 given to preschool children with the greatest eco-
14 nomic and social need;

15 (4) no mother should be forced to work outside
16 the home as a condition for availing herself to early
17 childhood education programs, such programs are
18 essential to allow many parents to undertake or con-
19 tinue full or part-time employment, training, or edu-
20 cation;

21 (5) comprehensive early childhood education
22 programs not only provide a means of delivering a
23 full range of essential services to children, but can
24 also furnish meaningful employment opportunities

1 for many individuals, including older persons, par-
2 ents, young persons, and volunteers;

3 (6) it is essential that the planning and oper-
4 ation of such programs be undertaken as a partner-
5 ship of parents, community, and State and local gov-
6 ernment with appropriate assistance from the Fed-
7 eral Government.

8 **SEC. 3. PURPOSE.**

9 It is the purpose of this Act to provide every child
10 with a fair and full opportunity to reach his or her full
11 potential by establishing and expanding comprehensive
12 early childhood education programs, and services designed
13 to—

14 (1) assure the sound and coordinated develop-
15 ment of these programs;

16 (2) recognize and build upon the experience and
17 success gained through the Headstart program and
18 similar efforts;

19 (3) furnish early childhood education services
20 for those children who need them most, with special
21 emphasis on preschool programs for economically
22 disadvantaged children, and for children of working
23 mothers and single parent families; and

24 (4) provide that decisions on the nature of
25 funding of such programs be made at the commu-

1 nity level with the direct participation of parents of
2 the children and other individuals and organizations
3 in the community interested in early childhood edu-
4 cation serve in the development, conduct, and overall
5 direction of programs at the community level, and to
6 establish the legislative framework for the future ex-
7 pansion of such programs to universally available
8 early childhood education services.

9 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) For the purpose of carrying out this Act, there
11 is authorized to be appropriated \$2,000,000,000 for the
12 fiscal year beginning October 1, 1995 and such sums as
13 may be necessary in each of the succeeding fiscal years
14 through 2000. Any amounts appropriated for such fiscal
15 year which are not obligated at the end of such fiscal year
16 may be obligated in the succeeding fiscal year.

17 (b) For the purpose of providing training, technical
18 assistance, planning, and such other activities as the Sec-
19 retary deems necessary and appropriate to prepare for the
20 implementation of this title, there is authorized to be ap-
21 propriated \$100,000,000 for the fiscal year beginning Oc-
22 tober 1, 1994.

1 **SEC. 5. ALLOCATION OF FUNDS.**

2 (a) The amounts appropriated for carrying out this
3 title for any fiscal year beginning October 1, 1995 shall
4 be made available in the following manner:

5 (1) \$500,000,000 shall be used for the purpose
6 of providing assistance under titles I, II, and IV of
7 this Act for early childhood education programs fo-
8 cused upon young children from low-income families.

9 (2) Not to exceed 10 percent of the remaining
10 amounts so appropriated shall be used for the pur-
11 pose of carrying out titles II, III, and IV of this Act,
12 as the Secretary deems appropriate; and

13 (3) The remainder of such amounts shall be
14 used for the purpose of carrying out title I of this
15 Act.

16 (b)(1) From the amount available for carrying out
17 comprehensive early childhood education programs under
18 title I of this Act, the Secretary shall reserve the follow-
19 ing—

20 (A) not less than that proportion of the total
21 amount available for carrying out title I as is equiva-
22 lent to that proportion which the total number of
23 children of migrant agricultural workers bears to the
24 total number of economically disadvantaged children
25 in the United States, which shall be apportioned
26 among programs serving children of migrant agricul-

1 tural workers on an equitable basis, and to the ex-
2 tent practicable in proportion to the relative num-
3 bers of children served in each such program;

4 (B) not less than that proportion of the total
5 amount available for carrying out title I as is equiva-
6 lent to that proportion which the total number of
7 children on Federal and State Indian reservations
8 bears to the total number of economically disadvan-
9 tagged children in the United States, which shall be
10 apportioned among programs serving children on
11 Federal and State Indian reservation on an equi-
12 table basis, and to the extent practicable in propor-
13 tion to the relative number of children residing on
14 each such reservation;

15 (C) not less than that proportion of the total
16 amount available for carrying out title I as is equiva-
17 lent to that proportion which the total number of
18 Native Hawaiian children bears to the total number
19 of economically disadvantaged children in the United
20 States, which shall be apportioned among programs
21 serving Native Hawaiian children on an equitable
22 basis, and to the extent practicable in proportion to
23 the relative numbers of children served in each such
24 program;

1 (D) not less than 10 percent of the total
2 amount available for carrying out title I, which shall
3 be made available for the purposes of section
4 101(b)(2)(I) of such title (relating to special activi-
5 ties for children with disabilities); and

6 (E) not to exceed 5 percent of the total amount
7 available for carrying out title I, which shall be
8 made available under section 102(f)(3) of such title
9 (relating to model programs).

10 (2) The remainder of the amounts available for carry-
11 ing out title I of this Act shall be allocated by the Sec-
12 retary on an equitable basis, and to the extent practi-
13 cable such funds shall be apportioned in such a manner
14 that—

15 (A) 50 percent of such remainder shall be ap-
16 portioned among the States and localities within
17 each State in proportion to the relative numbers of
18 economically disadvantaged children in each such
19 State and locality, respectively;

20 (B) 25 percent of such remainder shall be ap-
21 portioned among the States and localities within
22 each State in proportion to the relative numbers of
23 children who have not attained six years of age in
24 each such State or locality, respectively;

1 (C) 25 percent of such remainder shall be ap-
2 portioned among the States and localities within
3 each State in proportion to the relative numbers of
4 children of working mothers and single parents in
5 each such State and locality, respectively.

6 For the purposes of clauses (A), (B), and (C) of this para-
7 graph, there shall be excluded those children who are
8 counted under clauses (A), (B), and (C) of subsection
9 (b)(1) of this section.

10 (3) In determining the numbers of children for pur-
11 poses of allocating and apportioning funds under this sec-
12 tion, the Secretary shall use the most recent satisfactory
13 data available.

14 (c) Not to exceed 5 percent of the total funds appor-
15 tioned for use within a State pursuant to subsection (b)(2)
16 may be made available for grants to the State to carry
17 out the provisions of section 106 of this Act.

18 (d) As soon as practicable after funds are appro-
19 priated to carry out this Act for any fiscal year, the Sec-
20 retary shall publish in the Federal Register the apporportion-
21 ments required by this section.

1 **TITLE I—COMPREHENSIVE**
2 **EARLY CHILDHOOD EDU-**
3 **CATION PROGRAMS**

4 **SEC. 101. PROGRAM AUTHORIZED.**

5 (a) IN GENERAL.—The Secretary of Education shall
6 provide financial assistance for carrying out early child-
7 hood education programs under this part to prime spon-
8 sors and to other public and private nonprofit agencies
9 and organizations pursuant to plans and applications ap-
10 proved in accordance with the provisions of this title.

11 (b) USE OF FUNDS.—Funds available for this part
12 may be used (in accordance with approved applications)
13 for the following services and activities—

14 (1) planning and developing early childhood
15 education programs, including the operation of pilot
16 programs to test the effectiveness of new concepts,
17 programs, and delivery systems;

18 (2) establishing, maintaining, and operating
19 early childhood education program, which may in-
20 clude—

21 (A) comprehensive physical and mental
22 health, social, and cognitive development serv-
23 ices necessary for children participating in the
24 program to profit fully from their educational

1 opportunities and to attain their maximum po-
2 tential;

3 (B) food and nutritional services (including
4 family consultation);

5 (C) rental, remodeling, renovation, alter-
6 ation, construction, or acquisition of facilities,
7 including mobile facilities, and the acquisition
8 of necessary equipment and supplies;

9 (D) programs designed (i) to meet the spe-
10 cial needs of minority groups, Native Ameri-
11 cans, Alaskan Natives and Native Hawaiians,
12 and migrant children with particular emphasis
13 on the needs of children with limited English
14 proficiency for the development of skills in Eng-
15 lish and another language spoken in the home,
16 and (ii) to meet the needs of all children to un-
17 derstand the history and cultural backgrounds
18 of the ethnic groups which belong to their com-
19 munities and the role of members of such eth-
20 nic groups in the history and cultural develop-
21 ment of the Nation and of the region in which
22 they reside;

23 (E) a program of daily activities designed
24 to develop fully each child's potential;

1 (F) other specially designed health, social,
2 and educational programs (including after
3 school, summer, weekend, vacation, and over-
4 night programs);

5 (G) medical, dental, psychological, edu-
6 cational, and other appropriate diagnosis, iden-
7 tification, and treatment of visual, hearing,
8 speech, nutritional, and other physical, mental,
9 and emotional barriers to full participation in
10 child education and development programs, in-
11 cluding programs for preschool and other chil-
12 dren who are emotionally disturbed;

13 (H) prenatal and other medical services to
14 expectant mothers who cannot afford such serv-
15 ices, designed to help reduce malnutrition, in-
16 fant and maternal mortality, and the incidence
17 of mental retardation and other disabling condi-
18 tions, and postpartum and other medical serv-
19 ices (including family planning information) to
20 such recent mothers;

21 (I) incorporation within early childhood
22 education programs of special activities de-
23 signed to identify and ameliorate identified
24 physical, mental, and emotional disabilities and
25 special learning disabilities;

1 (J) preservice and inservice education and
2 other training for professional and paraprofes-
3 sional personnel;

4 (K) dissemination of information in the
5 functional language of those to be served to as-
6 sure that parents are well informed of early
7 childhood education programs available to them
8 and may participate in such programs;

9 (L) services, including in-home services,
10 and training in the fundamentals of child devel-
11 opment, for parents, older family members
12 functioning in the capacity of parents, youth,
13 and prospective parents;

14 (M) programs designed to extend com-
15 prehensive prekindergarten early childhood edu-
16 cation techniques and gains (particularly parent
17 participation) into kindergarten and early pri-
18 mary grades (one through three), in cooperation
19 with local educational agencies, including—

20 (i) the use of former assistant Head-
21 start teachers or similar early childhood
22 education teachers as instructional aides
23 (in addition to those employed by the
24 schools involved) working closely with
25 classroom teachers in the kindergarten and

1 such early primary grades in which are en-
2 rolled children they taught in Headstart or
3 other early childhood programs;

4 (ii) providing for full participation of
5 parents of the children involved in program
6 planning, implementation, and decision-
7 making; and

8 (iii) for career development opportuni-
9 ties and advancement through continuing
10 education and training for instructional
11 aides involved (including teaching salaries,
12 educational stipends for tuition, books, and
13 tutoring, career counseling, arrangements
14 for academic credit for independent study,
15 fieldwork based on their teaching assign-
16 ments, and preservice and inservice train-
17 ing) and for the classroom teachers and
18 principals involved; and

19 (N) such other services and activities as
20 the Secretary deems appropriate in furtherance
21 of the purposes of this part; and

22 (3) staff and other administrative expenses of
23 early childhood education councils established and
24 operated in accordance with this title.

1 **SEC. 102. PRIME SPONSORS OF EARLY CHILDHOOD DEVEL-**
2 **OPMENT PROGRAMS.**

3 (a) In accordance with the provisions of this section,
4 a State, locality, combination of localities, Indian tribe on
5 a Federal or State reservation, or public or private non-
6 profit agency or organization, meeting the requirements
7 of this Act may be designated by the Secretary as prime
8 sponsor for the purpose of entering into arrangements to
9 carry out early childhood education programs under this
10 part, upon the approval by the Secretary of a prime spon-
11 sorship plan, which includes provisions—

12 (1) describing the prime sponsorship area to be
13 served;

14 (2) setting forth satisfactory provisions of es-
15 tablishing and maintaining an Early Childhood Edu-
16 cation Council which meets the requirements of sec-
17 tion 103 of this Act;

18 (3) providing that the Early Childhood Edu-
19 cation Council shall be responsible for developing
20 and preparing a comprehensive early childhood edu-
21 cation plan for each fiscal year and any modification
22 thereof;

23 (4) setting forth arrangements under which the
24 Early Childhood Education Council will be respon-
25 sible for planning, supervising, coordinating, mon-

1 itoring, and evaluating early childhood education
2 programs in the prime sponsorship area;

3 (5) providing adequate assurances that staff
4 and other administrative expenses for the Early
5 Childhood Education Council under subsection (b)
6 paragraph (3) of section 101 will not exceed 5 per-
7 cent of the total cost of comprehensive early child-
8 hood education programs administered by the prime
9 sponsor unless such percentage limitation is in-
10 creased to give special consideration to initial costs
11 in the first operations year or to other special needs,
12 in accordance with regulations which the Secretary
13 shall prescribe; and

14 (6) providing assurances, to the extent nec-
15 essary to carry out comprehensive early childhood
16 education programs in the area to be served, of the
17 capacity to provide, or to enter into arrangements
18 with appropriate State, local or other agencies for
19 linkages to provide—

20 (A) related family, social and rehabilitative
21 service;

22 (B) coordination with educational agencies
23 and providers of educational services;

24 (C) health (including family planning) and
25 mental health services;

1 (D) nutrition services; and

2 (E) training of professional and para-
3 professional personnel.

4 (b) The Secretary shall approve a prime sponsorship
5 plan submitted by a locality which is a (1) city, (2) coun-
6 try, or (3) other unit of general local government, if the
7 Secretary determines that the plan so submitted meets the
8 requirements of subsection (a) of this section and includes
9 adequate provisions for carrying out comprehensive early
10 childhood education programs in area of such locality. In
11 the event that an area under the jurisdiction of a unit
12 of general local government described in clause (1), (2),
13 or (3) of the preceding sentence includes any common geo-
14 graphical area with that covered by another such unit of
15 general local government, the Secretary shall designate to
16 serve such area the unit of general local government which
17 the Secretary determines has the capability of more effec-
18 tively carrying out the purposes of this title with respect
19 to such area and which has submitted a plan which meets
20 the requirements of this section and includes adequate
21 provisions for carrying out comprehensive early childhood
22 education programs in such area.

23 (c)(1) In the event that the Secretary determines that
24 a locality fails to meet the requirements for designation
25 as a prime sponsor under subsection (b) of this sec-

1 tion for the reason that it lacks the capability of meeting
2 the requirements of clause (5) (concerning the limitation
3 in administrative expenses for Early Childhood Education
4 Councils) or clause (6) (concerning the capacity to provide
5 or to enter into arrangements for linkages to provide serv-
6 ices related to early childhood education) of subsection (a),
7 the Secretary shall take steps to encourage the submission
8 of a prime sponsorship plan, covering the area of such lo-
9 cality, by a combination of localities which are adjoining
10 and possess a sufficient commonality of interest.

11 (2) The Secretary shall approve a prime sponsorship
12 plan submitted by a combination of localities if the Sec-
13 retary determines that the plan so submitted meets the
14 requirements of subsection (a) of this section and includes
15 adequate provisions for carrying out comprehensive early
16 childhood education programs in the area covered by the
17 combination of such localities.

18 (d) The Secretary shall approve a prime sponsorship
19 plan submitted by an Indian tribe on a Federal or State
20 reservation if the Secretary determines that the plan so
21 submitted meets the requirements of subsection (a) of this
22 section and includes adequate provisions for carrying out
23 comprehensive early childhood education programs in the
24 area to be served.

1 (e) In the event that the Secretary determines, with
2 respect to the area of a particular locality, that a prime
3 sponsorship plan meeting the requirements of this section
4 has not been submitted by a locality or combination of
5 localities covering such areas, or by an Indian tribe on
6 a Federal or State reservation, or in the event that prime
7 sponsorship designation has been withdrawn in accordance
8 with subsection (h) of this section, the Secretary may, with
9 respect to the impending fiscal year when no such prime
10 sponsorship designation will be in effect, approve a plan
11 submitted by the State which meets the requirements of
12 subsection (a) of this section and includes adequate provi-
13 sions for carrying out comprehensive early childhood edu-
14 cation program in each such area.

15 (f) The Secretary may approve a prime sponsorship
16 plan submitted by a public or private nonprofit agency,
17 including but not limited to a community action agency,
18 single purpose Headstart agency, community development
19 corporation, parent cooperative, organization of migrant
20 agricultural workers, organization of Native Americans,
21 Alaskan Natives or Native Hawaiians, employer organiza-
22 tions, or public or private educational agency or institu-
23 tion, the Secretary determines that the plan so submitted
24 meets the requirements of subsection (a) of this section
25 and includes—

1 (1) provisions setting forth arrangements for
2 serving children in a neighborhood or other area
3 possessing a commonality of interest in the area of
4 any locality with respect to which there is not prime
5 sponsorship designation in effect, or with respect to
6 any portion of an area where the prime sponsor is
7 found not to be satisfactorily implementing early
8 childhood education program which adequately
9 meets the purposes of this part, or for making avail-
10 able special services, in accordance with criteria es-
11 tablished by the Secretary, designed to meet the
12 needs of economically disadvantaged or preschool
13 children; or

14 (2) arrangements for providing comprehensive
15 early childhood education programs on a year-round
16 basis to children of migrant agricultural workers and
17 their families; or

18 (3) arrangements for carrying out model pro-
19 grams especially designed to be responsive to the
20 needs of economically disadvantaged, minority
21 groups, or limited English proficient preschool chil-
22 dren.

23 (g) The Governor of the State shall in accordance
24 with regulations which the Secretary shall prescribe, be
25 given a reasonable opportunity to review and offer rec-

1 ommendations to any applicant submitting a plan for
2 prime sponsorship designation under this section, and to
3 submit comments to the Secretary with respect to any
4 plan so submitted.

5 (h) A prime sponsorship plan submitted under this
6 section may be disapproved or a prior designation of a
7 prime sponsor may be withdrawn only if the Secretary,
8 in accordance with regulations prescribed by the Sec-
9 retary, has provided—

10 (1) written notice of intention to disapprove
11 such plan, including a statement of the reasons,

12 (2) a reasonable time in which to submit correc-
13 tive amendments to such plan or undertake other
14 necessary corrective action, and

15 (3) an opportunity for a public hearing upon
16 which basis an appeal to the Secretary may be taken
17 as of right.

18 (i)(1) If any party is dissatisfied with the Secretary's
19 final action under subsection (h) with respect to the dis-
20 approval of its plan submitted under this section or the
21 withdrawal of its prime sponsorship designation, such
22 party may, within sixty days after notice of such action,
23 file with the United States court of appeals for the circuit
24 in which such party is located a petition for review of that
25 action. A copy of the petition shall be forthwith transmit-

1 ted by the clerk of the court to the Secretary. The Sec-
2 retary thereupon shall file in the court the record of the
3 proceeding on which the Secretary based his/her action,
4 as provided in section 2112 of title 28, United States
5 Code.

6 (2) The court shall have jurisdiction to affirm the ac-
7 tion of the Secretary or to set it aside, in whole or in part.
8 The judgement of the court shall be subject to review by
9 the Supreme Court of the United States upon certiorari
10 or certification as provided in section 1254 of title 28,
11 United States Code.

12 **SEC. 103. EARLY CHILDHOOD EDUCATION COUNCILS.**

13 (a) Each prime sponsor designed under section 102
14 shall establish and maintain an Early Childhood Edu-
15 cation Council consisting of not less than ten members
16 comprised as follows:

17 (1) Not less than half of the members of such
18 Council shall be parents of children served in early
19 childhood education programs under this Act.

20 (2) The remaining members of such Council
21 shall be appointed by the chief executive officer or
22 officers of the prime sponsor to represent the public,
23 but—

24 (A) not less than half of such members
25 shall be persons who are broadly representative

1 of the general public, including government
2 agencies, public and private agencies and orga-
3 nizations in such field as economic opportunity,
4 health, education, welfare, employment and
5 training, business or financial organizations or
6 institutions, labor unions, and employers, and
7 who are approved by the parent members de-
8 scribed in paragraph (1); and

9 (B) the remaining members the number of
10 which shall be either equal to or one less than
11 the number of members appointed under clause
12 (A), shall be persons who are particularly
13 skilled by virtue of training or experience in
14 early childhood education, child development,
15 child health, child welfare, or other child serv-
16 ices, except that the Secretary may waive the
17 requirements of this clause (B) to the extent
18 that the Secretary determines, in accordance
19 with regulations prescribed by the Secretary,
20 that such person are not available to the area
21 to be served.

22 (b) In accordance with procedures with the Secretary
23 shall establish pursuant to regulations, each prime sponsor
24 designed under section 102 shall provide, with respect to

1 the Early Childhood Education Council established and
2 maintained by such prime sponsor, that—

3 (1) the parent members described in paragraph
4 (1) of subsection (a) of this section shall be chosen
5 by the membership of Headstart policy committees
6 where they exist, and, at the earliest practicable
7 time, by project policy committees established pursu-
8 ant to section 105(a)(2) of this Act;

9 (2) not less than one-fourth of the total mem-
10 bership of such Council shall be persons broadly rep-
11 resentative of the economically disadvantaged;

12 (3) the terms of office and any other policies
13 and procedures of an organizational nature, includ-
14 ing nomination and election procedures, are appro-
15 priate in accordance with the purposes of this Act;

16 (4) such Council shall have responsibility for
17 approving basic goals, policies, actions, and proce-
18 dures for the prime sponsor, including policies with
19 respect to planning, general supervision and over-
20 sight, overall coordination, personnel, budgeting,
21 funding of projects, and monitoring and evaluation
22 of projects; and

23 (5) such Council shall, upon its own initiatives
24 or upon request of a project applicant or any other
25 party in interest, conduct public hearings before act-

1 ing upon applications for financial assistance sub-
2 mitted by project applicants under this Act.

3 **SEC. 104. COMPREHENSIVE EARLY CHILDHOOD EDU-**
4 **CATION PLANS.**

5 (a) Financial assistance under this part may be pro-
6 vided by the Secretary for any fiscal year to a prime spon-
7 sor designated pursuant to section 102 only pursuant to
8 a comprehensive early childhood education plan which is
9 submitted by such prime sponsor and approved by the Sec-
10 retary in accordance with the provisions of this part. Any
11 such plan shall set forth a comprehensive program provid-
12 ing early childhood education services in the prime spon-
13 sorship area which—

14 (1) identifies all early childhood education
15 needs and goals within the area and describes the
16 purposes for which the financial assistance will be
17 used;

18 (2) meets the needs of children in the prime
19 sponsorship area, to the extent that available funds
20 can be reasonably expected to have an effective im-
21 pact, including infant care and before and after
22 school programs for children in school with priority
23 to children who have not attained six years of age;

24 (3) gives priority to meeting the special needs
25 of economically disadvantaged children by providing

1 that not less than 65 percent of the total cost of
2 programs receiving financial assistance under section
3 4(b) shall be for early childhood education programs
4 for economically disadvantaged children;

5 (4) gives priority thereafter to providing early
6 childhood education programs and services to chil-
7 dren of single parents and working mothers not cov-
8 ered under paragraph (3);

9 (5) provides procedures for the approval of
10 project applications submitted in accordance with
11 section 105;

12 (6) provides, in the case of a prime sponsor lo-
13 cated within or adjacent to a metropolitan area, for
14 coordination with other prime sponsors located with-
15 in such metropolitan area, and arrangements for co-
16 operative funding where appropriate, and particu-
17 larly for such coordination where appropriate meet
18 the needs for early childhood education services of
19 children of parents working or participating in train-
20 ing or otherwise occupied during the day within a
21 prime sponsorship area other than that in which
22 they reside;

23 (7) provides that, to the extent feasible, each
24 program within the prime sponsorship area will in-

1 clude children from a range of socioeconomic back-
2 grounds;

3 (8) provides comprehensive services (A) to meet
4 the special needs of minority group children of mi-
5 grant agricultural workers with particular emphasis
6 on the needs of children from bilingual families for
7 development of skills in English and in the other
8 language spoken in the home, and (B) to meet the
9 need of all children to understand the history and
10 cultural background of minority groups which belong
11 to the communities and the role of members of such
12 minority groups in the history and cultural develop-
13 ment of the Nation and the region in which they re-
14 side;

15 (9) provides equitably for the early childhood
16 education needs of children from each minority
17 group or significant segment of the economically dis-
18 advantaged residing within the area covered;

19 (10) provides, to the extent possible, for coordi-
20 nation of early childhood education programs so as
21 to keep family units intact or in close proximity dur-
22 ing the day;

23 (11) provides for the regular and frequent dis-
24 semination of information in the functional language
25 of those to be served, to assure that parents and in-

1 terested persons in the community are fully informed
2 of the activities of the Early Childhood Education
3 Council and of delegate agencies;

4 (12) provides that, to the extent possible, unem-
5 ployed or low-income persons residing in commu-
6 nities served by such projects will receive jobs pro-
7 viding career ladder opportunities, including in-home
8 and part-time jobs, and opportunities for training in
9 programs assisted under title II of this Act;

10 (13) assures that procedures and mechanisms
11 for coordination have been developed in cooperation
12 with preschool program administrators and adminis-
13 trators of local educational agencies and non-public
14 schools, at the local level, to provide continuity be-
15 tween programs for preschool and elementary school
16 children and to coordinate programs conducted
17 under this part and programs conducted pursuant to
18 the Head Start Act (42 U.S.C. 9831–9852) and the
19 Elementary and Secondary Education Act of 1965,
20 as amended;

21 (14) establishes arrangements in the area
22 served for the coordination of programs conducted
23 under the auspices of or with the support of busi-
24 ness or financial institutions or organizations, indus-

1 try, labor, employee and labor-management organi-
2 zations, and other community groups;

3 (15) contains any arrangements for the delega-
4 tion, under the supervision of the Early Childhood
5 Education Council, to any public or private non-
6 profit agencies, institutions, or organizations, of re-
7 sponsibilities for the delivery of programs, services,
8 and activities for which financial assistance is pro-
9 vided under this title, or for any planning or evalua-
10 tion services to be made available with respect to
11 programs under this title; and

12 (16) contains plans for regularly conducting
13 surveys and analyses of needs for early childhood
14 education programs in the prime sponsorship area
15 and for submitting to the Secretary a comprehensive
16 annual report and evaluation in such form and con-
17 taining such information as the Secretary shall re-
18 quire by regulation.

19 (b) No comprehensive early childhood education plan
20 or modification thereof submitted by a prime sponsorship
21 under this section shall be approved by the Secretary un-
22 less the Secretary determines, in accordance with regula-
23 tions prescribed by the Secretary, that—

24 (1) each community action agency or single
25 purpose Headstart agency in the area to be served

1 previously responsible for the administration of pro-
2 grams under this part or under the Head Start Act
3 (42 U.S.C. 9831–9852) has had an opportunity to
4 submit comments to the prime sponsor and to the
5 Secretary;

6 (2) the local educational agency for the area to
7 be served, and other appropriate educational and
8 training agencies and institutions, have had an op-
9 portunity to submit comments to the prime sponsor
10 and to the Secretary; and

11 (3) the Governor of the State has had an op-
12 portunity to submit comments to the prime sponsor
13 and to the Secretary.

14 (c) A comprehensive early childhood education plan
15 submitted under this section may be disapproved or a
16 prior approval withdrawn only if the Secretary, in accord-
17 ance with regulations prescribed by the Secretary, had
18 provided—

19 (1) written notice of intention to disapprove
20 such plan, including a statement of the reasons,

21 (2) reasonable time to submit corrective amend-
22 ments to such plan or undertake for a public hearing
23 upon which basis an appeal to the Secretary may be
24 taken as of right.

1 (d) In order to contribute to the effective administra-
2 tion of this Act, the Secretary shall establish appropriate
3 procedures to permit prime sponsors to submit jointly a
4 single comprehensive early childhood education plan for
5 the areas served by such prime sponsors.

6 **SEC. 105. PROJECT APPLICATIONS.**

7 (a) Financial assistance under this Act may be pro-
8 vided to a project applicant for any fiscal year only pursu-
9 ant to a project application which is submitted by a public
10 or private agency and which provides that—

11 (1) funds will be provided for carrying out any
12 early childhood education program under this part
13 only to a qualified public or private agency or orga-
14 nization, including but not limited to a community
15 action agency, single purpose Headstart agency,
16 community development corporation, parent coopera-
17 tive, organization of migrant agricultural workers,
18 organization of Native Americans, Alaskan Natives,
19 and Native Hawaiians, private organization inter-
20 ested in early childhood education, employer or busi-
21 ness organization, labor union, employee or labor
22 management organization, or public or private edu-
23 cational agency or institution;

1 (2) project policy committees shall be estab-
2 lished and maintained, consisting of not less than
3 ten members, composed so that—

4 (A) not less than half of the members of
5 each such committee shall be parents of chil-
6 dren served in such projects, and

7 (B) the remaining members of such com-
8 mittee shall be comprised—

9 (i) of persons who are representative
10 of the community and who shall be ap-
11 proved by the parent members, and

12 (ii) of persons, the number of which
13 shall be not less than one-third nor more
14 than one-half of the number of members
15 appointed under clause (i), who are par-
16 ticularly skilled by virtue of training or ex-
17 perience in early childhood education, child
18 health, child welfare, or other child serv-
19 ices, except that the Secretary may waive
20 the requirement of this clause (ii) to the
21 extent that he/she determines, in accord-
22 ance with regulations prescribed by the
23 Secretary, that such persons are not avail-
24 able to the area to be served;

1 (3) provision will be made for direct participa-
2 tion of such policy committees in the development
3 and preparation of project applications under this
4 part;

5 (4) adequate provision will be made for training
6 and other administrative expenses of such policy
7 committee (including necessary expenses to enable
8 low-income members to participate in council or
9 committee meetings);

10 (5) project policy committees shall have respon-
11 sibility for approving basic goals, policies, actions,
12 and procedures for the project applicant, including
13 policies with respect to planning, overall conduct,
14 personnel, budgeting, location of centers and facili-
15 ties, and direction and evaluation of projects;

16 (6) programs assisted under this title will pro-
17 vide for such comprehensive health, nutritional, edu-
18 cation, social, and other services, as are necessary
19 for the full cognitive, emotional and physical devel-
20 opment of each participating child;

21 (7) adequate provision will be made for the reg-
22 ular and frequent dissemination of information in
23 the functional language of those to be served, to as-
24 sure that parents and interested persons are fully in-
25 formed of project activities.

1 (8) (A) no charge for services provided under
2 an early childhood education program will be made
3 with respect to any child who is economically dis-
4 advantaged, except to the extent that payment will
5 be made by a third party (including a public agency)
6 which is authorized or required to pay for such serv-
7 ices; and

8 (B) such charges will be made with respect to
9 a child who is not economically disadvantaged in ac-
10 cordance with an appropriate fee schedule which
11 shall be established by the Secretary by regulation
12 and which is based upon the ability of the family to
13 pay for such services, including the extent to which
14 any third party (including a public agency) is au-
15 thorized or required to make payments for such
16 services;

17 (9) children will in no case be excluded from the
18 programs operated pursuant to this part because of
19 their participation in non-public preschool or school
20 programs or because of the intention of their par-
21 ents to enroll them in non-public schools when they
22 attain school age;

23 (10) program will, to the extent appropriate,
24 employ paraprofessional aides and volunteers, espe-
25 cially parents, older children, students, older per-

1 sons, and persons preparing for careers in early
2 childhood education programs;

3 (11) no person will be denied employment in
4 any program solely on the ground that he/she fails
5 to meet State or local teacher certification stand-
6 ards;

7 (12) there are assurances satisfactory to the
8 Secretary that the nonFederal share requirements
9 will be met; and

10 (13) provisions will be made for such fiscal con-
11 trol and fund accounting procedures as the Sec-
12 retary shall prescribe to assure proper disbursement
13 of and accounting for Federal funds.

14 (b) A project application submitted in accordance
15 with subsection (a) of this section may be approved by
16 the Secretary if determined that it meets the purpose of
17 this title.

18 **SEC. 106. SPECIAL GRANTS TO STATES.**

19 Upon application submitted by any State, the Sec-
20 retary is authorized to provide financial assistance for use
21 by such State for carrying out activities for the purposes
22 of—

23 (1) identifying early childhood education goals
24 and needs within the State;

1 (2) assisting in the establishing of Early Child-
2 hood Education Councils and strengthening the ca-
3 pability of such Councils to effectively plan, super-
4 vise, coordinate, monitor, and evaluate early child-
5 hood education programs;

6 (3) encouraging the cooperation and participa-
7 tion of State agencies in providing early childhood
8 education and related services, including health,
9 family planning, mental health, nutrition, and fam-
10 ily, social and rehabilitative services where requested
11 by appropriate prime sponsors in the development
12 and implementation of comprehensive early child-
13 hood education plans;

14 (4) encouraging the full utilization of resources
15 and facilities for early childhood education programs
16 within the State;

17 (5) disseminating the results of research on
18 early childhood education programs;

19 (6) conducting programs for the exchange of
20 personnel involved in early childhood education pro-
21 grams within the State;

22 (7) assisting public and private nonprofit agen-
23 cies and organization in the acquisition or improve-
24 ment of facilities for early childhood education pro-
25 grams;

1 (8) assessing State and local licensing codes as
2 they relate to early childhood education programs
3 within the State; and

4 (9) developing information useful in reviewing
5 prime sponsorship plans under section 102(g) and of
6 Comprehensive Early Childhood Education Plans
7 under section 104(b)(3).

8 **SEC. 107. ADDITIONAL CONDITIONS FOR PROGRAMS IN-**
9 **CLUDING CONSTRUCTION.**

10 (a) Applications for financial assistance for projects
11 including construction may be approved only if the Sec-
12 retary determines that construction of such facilities is es-
13 sential to the provision of adequate early childhood edu-
14 cation services, and that rental, renovation, remodeling,
15 or leasing of adequate facilities is not practicable.

16 (b) If any facility assisted under this title shall cease
17 to be used for the purpose for which it was constructed,
18 the United States shall be entitled to recover from the ap-
19 plicant or other owner of the facility an amount which
20 bears to the then value of the facility (or so much thereof
21 as constituted an approved project) the same ratio as the
22 amount of such Federal funds bore to the cost of the facil-
23 ity financed with the aid of such funds, unless the Sec-
24 retary determines in accordance with regulations that
25 there is good cause for releasing the applicant or other

1 owner from the obligation to do so. Such value shall be
2 determined by agreement of the parties or by action
3 brought in the United States district court for the district
4 in which the facility is situated.

5 (c) All laborers and mechanics employed by contrac-
6 tors or subcontractors on all construction, remodeling,
7 renovation, or alteration projects assisted under this part
8 shall be paid wages at rates not less than those prevailing
9 on similar construction in the locality as determined by
10 the Secretary of Labor in accordance with the Davis-
11 Bacon Act, as amended (40 U.S.C. 276a–276a–5).

12 (d) Any Federal assistance for construction shall be
13 in the form of grants, and shall not be paid to other than
14 public or private nonprofit agencies and organizations.
15 Not more than 15 percent of the total financial assistance
16 provided to a prime sponsor under this part shall be used
17 for construction of facilities.

18 **SEC. 108. USE OF PUBLIC FACILITIES FOR CHILD DEVELOP-**
19 **MENT PROGRAMS.**

20 (a) The Secretary, after consultation with other ap-
21 propriate officials of the Federal Government, shall within
22 sixteen months after enactment of this title report to the
23 Congress with respect to the extent to which facilities
24 owned or leased by Federal departments, agencies, and
25 independent authorities could be made available to public

1 and private nonprofit agencies and organizations, through
2 appropriate arrangements, for use as facilities for early
3 childhood education programs under this title during
4 times and periods when not utilized fully for their usual
5 purposes, together with his/her recommendations (includ-
6 ing recommendations for changes in legislation) or pro-
7 posed actions for such use.

8 (b) The Secretary may require, as a condition to the
9 receipt of assistance under this title, that any prime spon-
10 sor under this title agree to conduct a review and provide
11 the Secretary with a report as to the extent to which facili-
12 ties owned or leased by such prime sponsor, or by other
13 agencies in the prime sponsorship area, could be made
14 available, through appropriate arrangements, for use as
15 facilities for early childhood education programs under
16 this title, during times and periods when not utilized for
17 their usual purposes, together with the prime sponsor's
18 proposed actions for such use.

19 **SEC. 109. PAYMENTS.**

20 (a) In accordance with this section, the Secretary
21 shall pay from the applicable allocation or apportionment
22 under section 4 the Federal share of the costs of pro-
23 grams, services, and activities, in accordance with plans
24 or applications which have been approved as provided in
25 this part.

1 (b)(1) Except as provided in paragraphs (2) and (3)
2 of this subsection, the Secretary shall pay an amount not
3 in excess of 90 percent of the cost of carrying out pro-
4 grams, services, and activities under this part. The Sec-
5 retary may, in accordance with such regulations prescribed
6 by the Secretary, approve assistance in excess of such per-
7 centage if the Secretary determines that such action is re-
8 quired to provide adequately for the early childhood edu-
9 cation needs of economically disadvantaged children.

10 (2) The Secretary shall pay an amount equal to 100
11 percent of the costs of providing early childhood education
12 programs for children of migrant agricultural workers and
13 their families under this title.

14 (3) The Secretary shall pay an amount equal to 100
15 percent of the costs of providing early childhood education
16 programs for children on Federal or State, Indian reserva-
17 tions under this title.

18 (4) The Secretary shall pay an amount equal to 100
19 percent of the costs of providing early childhood education
20 programs for Native Hawaiian children under this title.

21 (c) The nonFederal share of the costs of programs,
22 services, and activities assisted under this part may be
23 provided through public or private funds and may be in
24 the form of cash, goods, services, or facilities (or portions

1 thereof that area used for program purposes), reasonably
2 evaluated, and employee and employer contributions.

3 (d) Fees collected for services pursuant to section 105
4 (a)(8) shall be deemed financial assistance for purposes
5 of section 104 (a)(3).

6 (e) If, with respect to any fiscal year, a prime sponsor
7 or project applicant provides nonFederal contributions for
8 any program, service, or activity exceeding its require-
9 ments, such excess may be applied toward meeting the re-
10 quirements for such contributions for the subsequent fiscal
11 year under this part.

12 (f) No State or locality shall reduce its expenditures
13 for early childhood education or child care programs by
14 reason of assistance under this part.

15 **TITLE II—TRAINING, TECHNICAL** 16 **ASSISTANCE, PLANNING, AND** 17 **EVALUATION**

18 **SEC. 201. PRESERVICE AND INSERVICE TRAINING.**

19 The Secretary is authorized to make payments to
20 provide financial assistance to enable individuals employed
21 or preparing for employment in early childhood education
22 program assisted under this Act, including volunteers, to
23 participate in programs of preservice or inservice training
24 for professional and nonprofessional personnel, to be con-
25 ducted by any agency carrying out an early childhood edu-

1 cation program, or any institution of higher education, in-
2 cluding a community college, or by any combination
3 thereof.

4 **SEC. 202. TECHNICAL ASSISTANCE AND PLANNING.**

5 The Secretary shall, directly or through grant or con-
6 tract, make technical assistance available to prime spon-
7 sors and to project applicants participating or seeking to
8 participate in programs assisted under this title on a con-
9 tinuing basis to assist them in planning, developing, and
10 carrying out early childhood education programs.

11 **SEC. 203. EVALUATION.**

12 (a) The Secretary shall make an evaluation of Fed-
13 eral involvement in early childhood education activities
14 and services, which shall include—

15 (1) enumeration and description of all Federal
16 activities which affect early childhood education;

17 (2) analysis of expenditures of Federal funds
18 for such activities and services;

19 (3) determination of the effectiveness of such
20 activities and services;

21 (4) the extent to which preschool, minority
22 group, and economically disadvantaged children and
23 their parents have participated in programs under
24 this title; and

1 (5) such recommendations to Congress as the
2 Secretary may deem appropriate.

3 (b) The results of the evaluation required by sub-
4 section (a) of this section shall be reported to Congress
5 not later than two years after enactment of this title.

6 (c) The Secretary shall establish such procedures as
7 may be necessary to conduct an annual evaluation of Fed-
8 eral involvement in early childhood education programs,
9 and shall report the results of each such evaluation to
10 Congress.

11 (d) Prime sponsors and project applicants assisted
12 under this Act and departments and agencies of the Fed-
13 eral Government shall, upon request by the Secretary,
14 make available, consistent with other provisions of law,
15 such information as the Secretary determines is necessary
16 for purposes of making the evaluation required under sub-
17 section (c) of this section.

18 (e) The Secretary may enter into contracts with pub-
19 lic or private agencies, organizations, or individuals to
20 carry out the provisions of this section.

21 (f) The Secretary shall reserve for the purposes of
22 this section not less than 1 percent, and may reserve for
23 such purposes not more than 2 percent, of the amounts
24 available under paragraphs (2) and (3) of section 5(a) of
25 this Act for any fiscal year.

1 **SEC. 204. FEDERAL STANDARDS FOR EARLY CHILDHOOD**
2 **EDUCATION SERVICES.**

3 (a) The Secretary shall, after consultation with other
4 Federal agencies and with the Committee established pur-
5 suant to subsection (c) of this section, promulgate a com-
6 mon set of program standards which shall be applicable
7 to all programs providing early childhood education serv-
8 ices with Federal assistance under this Act, to be known
9 as the Federal Standards for Early Childhood Education.
10 If the Secretary disapproves the Committee's rec-
11 ommendations, the Secretary shall state the reasons there-
12 for.

13 (b) The Secretary shall, within sixty days after enact-
14 ment of this title, appoint a Special Committee on Federal
15 Standards for Early Childhood Education, which shall in-
16 cluded parents of children enrolled in early childhood edu-
17 cation programs, representatives of public and private
18 agencies administering early childhood education pro-
19 grams, and organization specialists, and others interested
20 in the development of children. Not less than one-half of
21 the membership of the Committee shall consist of parents
22 of children participating in programs conducted under
23 title I of this Act. Such Committee shall participate in the
24 development of Federal Standards for Early Childhood
25 Education and modifications thereof as provided in sub-
26 section (a).

1 **SEC. 205. DEVELOPMENT OF UNIFORM MINIMUM CODE FOR**
2 **FACILITIES.**

3 (a) The Secretary shall, within sixty days after enact-
4 ment of this bill appoint a special committee to develop
5 a uniform minimum code for facilities, to be used in licens-
6 ing early childhood education facilities. Such standards
7 shall deal principally with those matters essential to the
8 health, safety, and physical comfort of the children and
9 the relationship of such matters to the Federal Standards
10 for Early Childhood Education.

11 (b) The special committee appointed under this sec-
12 tion shall include parents of children participating in child
13 development programs and representatives of State and
14 local licensing agencies, public health officials, fire preven-
15 tion officials, the construction industry and unions, public
16 and private agencies or organizations administering early
17 childhood education programs, and national agencies or
18 organizations interested in the development of children.
19 Not less than one-third of the membership of the commit-
20 tee shall consist of parents of children enrolled in such
21 programs.

22 (c) Within one year after its appointment, the special
23 committee shall complete a proposed uniform minimum
24 code for facilities and shall hold public hearings on the
25 proposed code prior to submitting its final recommenda-
26 tion to the Secretary for approval.

1 (d) After considering the recommendations submitted
2 by the special committee in accordance with subsection (c),
3 the Secretary shall promulgate standards which shall be
4 applicable to all facilities receiving Federal financial as-
5 sistance under this Act or in which programs receiving
6 Federal financial assistance under this Act are operated.
7 If the Secretary disapproves the committee's recommenda-
8 tions, the Secretary shall state the reasons therefor. The
9 Secretary shall also distribute such standards and urge
10 their adoption by States and local governments. The Sec-
11 retary may from time to time modify the uniform code
12 for facilities in accordance with procedures set forth in
13 this section.

14 **TITLE III—MODEL FEDERAL**
15 **GOVERNMENT EARLY CHILD-**
16 **HOOD EDUCATION PRO-**
17 **GRAMS**

18 **SEC. 301. PROGRAM AUTHORIZED.**

19 (a) The Secretary is authorized to provide financial
20 assistance for the purpose of establishing and operating
21 model early childhood education programs (including the
22 lease, rental, or construction of necessary facilities and the
23 acquisition of necessary equipment and supplies) for the
24 children of civilian employees of the Federal Government.

1 (b) Civilian employees of any Federal agency or group
2 of such agencies employing eighty working parents of
3 young children who desire to participate in a program eli-
4 gible for assistance under this part shall—

5 (1) designate or create for such purpose an
6 agency committee, the membership of which shall be
7 broadly representative of the working parents inter-
8 ested in utilizing these services who are employed by
9 the agency or agencies; and

10 (2) submit to the Secretary a plan approved by
11 the official in charge of such agency or agencies,
12 which—

13 (A) provides that the early childhood edu-
14 cation program shall be administered under the
15 direction of the agency committee;

16 (B) provides that the program will meet
17 the Federal Standards for Early Childhood
18 Education approved pursuant to section 204
19 and the uniform minimum code for facilities ap-
20 proved pursuant to section 205.

21 (C) provides a means of determining prior-
22 ity of eligibility among parents wishing to use
23 the service program;

24 (D) provides for a scale of fees based upon
25 the parents' financial status; and

1 (E) provides for competent management,
2 staffing, and facilities for such program.

3 (c) The Secretary shall not make payments under
4 this section unless the Secretary has received approval of
5 the plan from the official in charge of the agency whose
6 employees will be served by the early childhood education
7 program.

8 **SEC. 302. PAYMENTS.**

9 (a) Not more than 80 percent of the total cost of the
10 early childhood education program under this part shall
11 be paid from Federal funds available under this title.

12 (b) The share of the total cost not available under
13 paragraph (a) may be provided through public or private
14 funds and may be in the form of cash, goods, services,
15 or facilities (or portions thereof that are used for program
16 purposes), reasonable evaluated, fees collected from par-
17 ents, and union and employer contributions.

18 (c) If, with respect to any fiscal year, a program
19 under this part provides contributions exceeding its re-
20 quirements under this section, such excess may be used
21 to meet the requirements of such contributions for the
22 subsequent fiscal year.

TITLE IV—RESEARCH AND DEMONSTRATIONS

SEC. 401. DECLARATION OF PURPOSES.

The purposes of this part are to focus national research efforts to attain a fuller understanding of the process of early child development and the effects of organized programs upon these processes; to develop effective programs for research into child development; and to assure that the result of research and development efforts are reflected in the conduct of programs affecting children through the improvement and expansion of early childhood education and related programs.

SEC. 402. RESEARCH AND DEMONSTRATION PROJECTS.

(a) In order to further the purposes of this part, the Secretary shall carry out a program of research and demonstration projects, which shall include but not be limited to—

(1) research to determine the nature of child development processes and the impact of various influences upon them, to develop techniques to measure and evaluate child development, to develop standards to evaluate professional and paraprofessional early childhood education personnel, to determine how early childhood development and education and related programs conducted in either home or

1 institutional settings affect child development proc-
2 esses;

3 (2) research to test alternative methods of pro-
4 viding early childhood education and related services,
5 and to develop and test innovative approaches to
6 achieve maximum development of children and pro-
7 grams for training adolescent youth in child develop-
8 ment;

9 (3) evaluation of research findings and the de-
10 velopment of these findings and the effective applica-
11 tion thereof; and

12 (4) dissemination and application of research
13 and development efforts and demonstration projects
14 to early childhood education and related programs,
15 using regional demonstration centers and advisory
16 services where feasible.

17 (b) In order to carry out the program provided for
18 in subsection (a), the Secretary is authorized to make
19 grants to or enter into contracts or other arrangements
20 with public or private nonprofit agencies (including other
21 Government agencies), organizations, and institutions,
22 and to enter into contracts with private agencies, organi-
23 zations, institutions, and individuals.

1 **SEC. 403. COORDINATION OF RESEARCH.**

2 (a) Funds available to any Federal department or
3 agency for the purposes stated in section 401 or the activi-
4 ties stated in section 402(a) shall be available for transfer,
5 with the approval of the head of the department or agency
6 involved, in whole or in part, to the Secretary for such
7 use as is consistent with the purposes for which such funds
8 were provided, and the funds so transferred shall be ex-
9 pendable by the Secretary for the purpose for which the
10 transfer was made.

11 (b) The Secretary shall coordinate all early childhood
12 education research, training, and development efforts con-
13 ducted with the Federal Government and, to the extent
14 feasible, by other agencies, organizations, and individuals.

15 (c) Representatives from the National Institute for
16 Early Childhood Development, the Federal agencies ad-
17 ministering the Social Security Act and the Elementary
18 and Secondary Education Act, the Department of Health
19 and Human Services Administration for Children and
20 Families, the Department of Labor, and other appropriate
21 agencies, shall meet at least annually and at such more
22 frequent times as they may deem necessary, in order to
23 assure coordination of child development and early child-
24 hood education and related activities under their respec-
25 tive jurisdictions and to carry out the provisions of this
26 title so as to assure—

1 (1) maximum utilization of available resources
2 through the prevention of duplication of activities;

3 (2) a division of labor, insofar as is compatible
4 with the purposes of each of the agencies or authori-
5 ties specified in this paragraph, to assure maximum
6 progress toward the achievement of the purposes of
7 this title; and

8 (3) recommendation of priorities for federally
9 funded research and development activities related
10 to the purposes of this title and those stated in sec-
11 tion 3.

12 **TITLE V—GENERAL PROVISIONS**

13 **SEC. 501. DEFINITIONS.**

14 As used in this Act, the term—

15 (1) “children” means individuals who have not
16 attained the age of 8;

17 (2) “children with disabilities” any such child
18 as defined in section 602 of the Individuals With
19 Disabilities Education Act;

20 (3) “early childhood education programs”
21 means programs provided on a full-day or part-day
22 basis which provide the educational, nutritional, so-
23 cial, medical, psychological, and physical services
24 needed for young children to attain their full poten-
25 tial;

1 (4) “economically disadvantaged children”
2 means any child of a family having an annual in-
3 come below the lower living standards budget (ad-
4 justed for regional and metropolitan, urban, and
5 rural differences, and family size), as determined an-
6 nually by the Bureau of Labor Statistics of the De-
7 partment of Labor;

8 (5) “institution of higher education” means any
9 such institution as defined in section 1201 of the
10 Higher Education Act of 1965.

11 (6) “limited English proficiency” means such
12 individual as defined in section 7003(a) of the Bilin-
13 gual Education Act.

14 (7) “local educational agency” means any such
15 agency as defined in section 1471 of the Elementary
16 and Secondary Education Act of 1965;

17 (8) “locality” means any city or other munici-
18 pality or any county or other political subdivision of
19 a State having general governmental powers, or any
20 combination thereof;

21 (9) “minority group” means persons who are
22 African-American, Native American, Alaskan Native,
23 Native Hawaiian, Hispanic American, Asian Amer-
24 ican, Pacific Island American and, as determined by
25 the Secretary, or children who are from environ-

1 ments in which a dominant language is other than
2 English.

3 (10) “parent” means any person who has day-
4 to-day parental responsibility for any child;

5 (11) “program” includes any program, service,
6 or activity, which is conducted full or part-time, day
7 or night, in early childhood education facilities, in
8 schools, in neighborhood centers, or in homes, or
9 which provides early childhood education for children
10 whose parents are working or receiving education or
11 training;

12 (12) “Secretary” means the Secretary of Edu-
13 cation;

14 (13) “single parent” means any person who has
15 sole day-to-day responsibility for any child;

16 (14) “State” means each of the fifty States, the
17 District of Columbia, and the Commonwealth of
18 Puerto Rico, Guam, American Samoa, the Virgin Is-
19 lands, the Commonwealth of the Northern Mariana
20 Islands, and Palau (until the effective date of the
21 Compact of Free Association with the Government
22 of Palau); and

23 (15) “working mother” means any mother who
24 requires child care services under this Act in order

1 to undertake or continue full or part-time work,
2 training, or education outside the home.

3 **SEC. 502. NUTRITION SERVICES.**

4 In accordance with the purposes of this Act, the Sec-
5 retary of Education shall establish procedures to assure
6 that adequate nutrition services will be provided in early
7 childhood education programs under this Act. Such serv-
8 ices shall make use of the Special Food Services Program
9 for children as defined under the National School Lunch
10 Act of 1946 and the Child Nutrition Act of 1966 to the
11 fullest extent appropriate and consistent with the provi-
12 sions of such Acts.

13 **SEC. 503. SPECIAL PROVISIONS.**

14 (a) The Secretary may make such grants, contracts,
15 or agreements, establish such procedures, policies, rules,
16 and regulations, and make such payments, in installments
17 and in advance or by way of reimbursement, or otherwise
18 allocate or expend funds made available under this title,
19 including necessary adjustments in payments on account
20 of overpayment or underpayment. Subject to the provi-
21 sions of section 504, the Secretary may also withhold
22 funds otherwise payable under this Act in order to recover
23 any amounts expended in the current or immediately prior
24 fiscal year in violation of any provision of this title or any
25 term or condition of assistance under this title.

1 (b) The Secretary shall prescribe regulations to as-
2 sure that programs under this title have adequate internal
3 administrative controls, accounting requirements, person-
4 nel standards, evaluation procedures, and other policies as
5 may be necessary to promote the effective use of funds.

6 (c) The Secretary shall not provide financial assist-
7 ance for any program under this Act unless the grant, con-
8 tract, or agreement with respect thereto specifically pro-
9 vides that no person with responsibilities in the operation
10 of such program will discriminate with respect to any pro-
11 gram participant or any applicant for participation in such
12 program because of race, creed, color, national origin, sex,
13 sexual orientation, political affiliation, or beliefs.

14 (d) The Secretary shall not provide financial assist-
15 ance for any program under this Act which involves politi-
16 cal activities; and neither the program, the funds provided
17 therefor, nor personnel employed in the administration
18 thereof, shall be, in any way or to any extent, engaged
19 in the conduct of political activities.

20 (e) The Secretary shall not provide financial assist-
21 ance for any program under this Act unless the Secretary
22 determines that no funds will be used for, and no person
23 will be employed under the program on, the construction,
24 operation, or maintenance of so much of any facility as

1 is for use for sectarian instruction or as a place for reli-
2 gious worship.

3 (f) A child participating in a program assisted under
4 this Act shall not be required to undergo medical or psy-
5 chological examination (except to the extent related to
6 learning ability), or treatment, if the child's parent or
7 guardian objects thereto.

8 **SEC. 504. WITHHOLDING OF GRANTS.**

9 Whenever the Secretary, after reasonable notice and
10 opportunity for a hearing to any prime sponsor or project
11 applicant, finds—

12 (1) that there has been a failure to comply sub-
13 stantially with any requirement set forth in the plan
14 of any such prime sponsor approved under section
15 104;

16 (2) that there has been a failure to comply sub-
17 stantially with any requirement set forth in the ap-
18 plication of any such project applicant approved pur-
19 suant section 105; or

20 (3) that in the operation of any program or
21 project carried out by any such prime sponsor or
22 project applicant under this Act there is a failure to
23 comply substantially with any applicable provision of
24 this Act or regulation promulgated thereunder; the
25 Secretary shall notify such prime sponsor or project

1 applicant of his/her findings and that no further
2 payments may be made to such sponsor or applicant
3 under this Act until the Secretary is satisfied that
4 there is no longer any such failure to comply, or the
5 noncompliance will be promptly corrected. The Sec-
6 retary may authorize the continuation of payments
7 with respect to any project assisted under this Act
8 which is being carried out pursuant to such plan or
9 application and which is not involved in the non-
10 compliance.

11 **SEC. 505. PUBLIC INFORMATION.**

12 (a) Applications for designation as prime sponsors,
13 comprehensive early childhood education plans, project ap-
14 plications, and all written material pertaining thereto shall
15 be made readily available without charge on the public by
16 the prime sponsor, the applicant, and the Secretary.

17 (b) The Secretary is directed to establish appropriate
18 procedures to ensure that no child shall be the subject of
19 any research or experimentation under this Act other than
20 routine testing and normal program evaluation unless the
21 parent or guardian of such child is informed of such re-
22 search or experimentation and is given an opportunity as
23 of right to except such child therefrom.

24 (c) Nothing in this Act shall be construed or applied
25 in such a manner as to infringe upon or usurp the moral

1 and legal rights and responsibilities of parents or guard-
2 ians with respect to the moral, mental, emotional, or phys-
3 ical development of their children. Nor shall any section
4 of this Act be construed or applied in such a manner as
5 to permit any invasion of privacy otherwise protected by
6 law, or to abridge any legal remedies for any such invasion
7 which is otherwise provided by law.



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